

REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office action, the Office noted that claims 1 and 2 are pending and rejected. Applicants amend claims 1 and 2 and add claims 3-10. Applicants have not introduced any new matter by way of the foregoing amendments.

In view of the above amendments and the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. § 103. Thus, Applicants believe that all of these claims are now in condition for allowance.

REJECTION

Applicants amend claim 1 to remedy to the 35 U.S.C. § 101 rejection. Applicant requests reconsideration and withdrawal of the rejection to claims 1-5.

The Office rejected claims 1 and 10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,233,50 issued to Gersho et al. (hereon after "*Gersho*") in view of U.S. Patent No. 5,495,556 issued to Masaaki Honda (hereon after "*Honda*"). The Applicants respectfully traverse the rejections.

However, the Applicants submit that *Gersho* and *Honda* are not combinable. More specifically, *Gersho* specifically requires "that the design of the coding scheme for the transition segments must take into account the local time events characteristic of the transition signal," *Gersho*, at col. 14 lines 24-41, and that the encoder must also carry out the onset linear phase estimation procedure and to keep track of the reconstructed phase in order to be able to perform the offset phase synchronization, described in the following section." *Id.* at col. 16 lines 1-10. *Honda* merely discloses a "spectral envelope error of a speech coded at 4.8 kb/s is about 1 dB. A coding delay of this invention is 45 ms, which is equal to or shorter than that of the conventional low-bit rate speech coding schemes." *Honda*, at col. 16 lines 11-22. *Honda* is devoid from discloses taking transition segments into account or an

encoder that would carry out the onset linear phase estimation to keep track of reconstructed phase.

Accordingly, it is Applicants' opinion that neither *Gersho* nor *Honda* suggest or show a motivation for modifying the reference or to combine the reference teachings. In addition, it is Applicants' opinion that there is no evidence in either prior art that shows a "reasonable expectation of success" in combining the references.

The Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-10.

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